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4

Number of Pages (including this page)

Date: October 24, 2007

To: OFFICE OF PETITIONS

Location: United States Patent and Trademark Office

Fax No.: 571-273-8300

From: Brian M. Mancini (Registration No. 39,288)

Subject: Serial No. 10/533281 - Simon Brusch

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MESSAGE:

Enclosed herewith, please find PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY and ISSUE FEE TRANSMITTAL for filing in the below-identified application.

EXAMINER:	Nguyen, Tuan Hoang
GROUP ART UNIT:	2618
SERIAL NO.:	10/533281
FILED:	04/28/2005
INVENTOR:	Simon Brusch
ATTORNEY DOCKET NO.:	CE10056EP

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002/004

OCT 24 2007

PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) CE10056EP
<p>First named inventor: Simon Brusch</p> <p>Application No.: 10/533281 Art Unit: 2618</p> <p>Filed: April 28, 2005 Examiner: Nguyen, Tuan Hoang</p> <p>Title: METHOD AND APPARATUS FOR DETERMINING A TRANSMIT POWER</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or Issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity – fee \$ <u>1,540.00</u> (37 CFR 1.17(m)) Deposit Acct. # 50-2117</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____. <input type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ <u>1,740.00</u>. Deposit Acct. # 50-2117</p> <p><input type="checkbox"/> has been paid previously on _____. <input checked="" type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2. **1540.88 DA**

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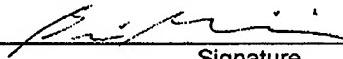
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



 Signature

October 24, 2007

Date

 BRIAN M. MANCINI

39,288

 Typed or printed name

Registration Number, if applicable

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Deposit Acct. No. 50-2117

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Issue Fee Transmittal**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

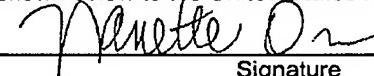
I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 24, 2007

Date



 Signature

Nanette Orr

Typed or printed name of person signing certificate